

## Message Text

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ORIGIN L-02

INFO OCT-01 EUR-12 ISO-00 SSO-00 NSCE-00 USIE-00 INRE-00

CIAE-00 DODE-00 PM-03 H-01 INR-07 NSAE-00 NSC-05

PA-01 PRS-01 SP-02 SS-15 SAJ-01 IO-10 BIB-01 /062 R

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FM SECSTATE WASHDC

TO USBERLIN 0490

INFO BONN 0727

LIMITED OFFICIAL USE STATE 044100

C O R R E C T E D C O P Y (OMISSION SUBJECT AND REFERENCE LINES)

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E.O. 11652: N/A

TAGS: PGOV, MILI, WB

SUBJECT: DISTRIBUTION OF LITERATURE AND DEMONSTRATIONS  
IN RESTRICTED AREAS

REFS: (A) USBERLIN 308

(B) STATE 36171

JOINT STATE/DEFENSE MESSAGE

1. DEPT OF STATE APPRECIATES RAPID AND THOUGHTFUL RESPONSE  
TO REF B. WE CONCUR THAT MAINTAINING SOME RESTRAINTS ON  
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ACTIVITIES AROUND U.S. FACILITIES IN AN OCCUPATION AREA CAN

BE JUSTIFIED, PROVIDING THE CONFLICTING INTERESTS ARE CAREFULLY BALANCED, AND WILL NOT REQUEST REVOCATION OF THE U.S. SECTOR ORDINANCE OF JULY 27, 1972.

2. IN VIEW OF FACT THAT ALL SIX REQUESTS FOR PERMISSION TO DISTRIBUTE LITERATURE WHICH HAVE THUS FAR BEEN MADE HAVE BEEN GRANTED, AND IN VIEW ALSO OF THE UNFORTUNATE LETTER SENT ON DECEMBER 20 TO THE LATEST REQUESTOR, YOU SHOULD PROCEED REGARDING LITERATURE AS YOU HAVE PROPOSED IN PARAGRAPH 10(B), THAT IS, AUTHORIZE DISTRIBUTION BY LIMITED NUMBERS OF PERSONS IN EACH LOCATION. AUTHORIZATION SHOULD BE GIVEN AS SOON AS POSSIBLE IN THIS AND FUTURE CASES, AS A RULE WITHIN FIVE DAYS OF FUTURE REQUESTS.

SINCE DEMONSTRATIONS ARE NOT LIKELY TO COVER AS EXTENDED PERIODS OF TIME AS LITERATURE DISTRIBUTION, IT MIGHT BE FEASIBLE TO ARRANGE FOR LARGER NUMBERS FOR DEMONSTRATIONS WITHOUT UNDUE DISRUPTION OF FUNCTIONING OF U.S. FACILITIES OR HARASSMENT OF OR DANGER TO U.S. PERSONNEL. ABSENT UNUSUAL CIRCUMSTANCES, WE BELIEVE SUCH PUBLIC SAFETY CONSIDERATIONS SHOULD BE GUIDE, RATHER THAN CONCERN TO MAINTAIN "POLITICS FREE" ZONE, AND REQUEST FURTHER STUDY BE GIVEN THIS ASPECT OF APPLICATION OF ORDINANCE.

3. WE AGREE THAT ARMY SHOULD BE PRIMARILY RESPONSIBLE FOR DETERMINATIONS REGARDING ACTIVITIES ON ITS INSTALLATIONS, AND USBER FOR ACTIVITIES IN PUBLIC AREAS. WE ASSUME THAT ONLY IN THE MOST UNUSUAL CIRCUMSTANCES WOULD U.S. SECTOR ORDINANCE BE INVOKED TO PROHIBIT ON ARMY FACILITY DISTRIBUTION OF LITERATURE WHICH WOULD OTHERWISE BE PERMITTED UNDER ARMY REGULATIONS. FOR ACTIVITIES ON ARMY FACILITIES AR 210-10 APPLIES IN BERLIN AND REQUESTS FALLING THEREUNDER ARE TO BE SUBMITTED TO DEPT OF THE ARMY FOR DECISION, IN ACCORDANCE WITH TERMS OF THAT REGULATION.

KISSINGER

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## Message Attributes

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